

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO.	
v.	:	DATE FILED:	
SANTIAGO PENA-CRUZ	:	VIOLATIONS:	8 U.S.C. § 1326(a) and (b)(2) (Re-entry after deportation - 1 count) Notice of Prior Conviction

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about December 11, 2003, at Leesport, in the Eastern District of Pennsylvania, defendant

SANTIAGO PENA-CRUZ,

an alien and a citizen of Mexico who had previously been deported from the United States on or about July 20, 1999, was found in the United States, having knowingly and unlawfully re-entered the United States without first applying to the Attorney General of the United States or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4), and 557) for permission to reapply for admission, and without receiving in response the express consent of the Attorney General or his successor to reapply for admission.

In violation of Title 8, United States Code, Section 1326(a) and (b)(2).

NOTICE OF PRIOR CONVICTION

THE GRAND JURY FURTHER CHARGES THAT:

Defendant Santiago Pena-Cruz committed the offense charged in Count One of this Indictment after having been convicted of an aggravated felony, as that term is defined and used in Title 8, United States Code, Sections 1101(a)(43)(F) and 1326(b)(2), as follows:

On June 24, 1999, the defendant was convicted in the Court of Common Pleas, Berks County, in the Commonwealth of Pennsylvania, of simple assault, in violation of Title 18, Pennsylvania Consolidated Statutes, Section 2701(a)(1), at Criminal Action No. 2257/99.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney